

CURRENT STATUS OF MARIJUANA LAWS AND ENFORCEMENT IN THE CITY OF CHULA VISTA

Presented by: Glen R. Googins, City Attorney

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South Bay Community Change Project

Chula Vista Live! Town Hall Meeting

Presentation Outline

1. Current Marijuana Laws

- Personal Conduct
- Commercial Conduct

2. Enforcement

- Challenges
- Current Approaches

3. What's Next?

- Enhanced Enforcement
 - Change in Local Laws?
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Personal Use, Possession and Cultivation in California

GENERAL RULE

As of November 9, 2016 Limited Personal Use, Possession, & Cultivation of Marijuana (Cannabis) Is Permitted in California for Adults, Both for Medical and Recreational Uses

Personal Use, Possession and Cultivation in California

LIMITATIONS

1. Must be 21 or older
2. Possessed amounts can't exceed 28.5 grams of cannabis or 8 grams of cannabis concentrate
3. Cultivation can't exceed 6 living plants
4. Local jurisdictions can further regulate indoor cultivation and ban outdoor cultivation
5. Smoking/Ingesting in Public, in a Vehicle, or on School Grounds is Prohibited

Personal Use, Possession and Cultivation in California

SPECIAL RULES FOR MEDICAL USE

1. **Age requirement is 18.**

Qualified patient or primary caregiver 18 years and older can possess an amount of cannabis consistent with the patient's needs (as recommended by a physician) (H&S 11362.77)

2. **Cultivation limits have been called into question by reviewing courts.**

Based on Proposition 215 (Compassionate Use Act) patient needs may exceed state imposed limits. No exact specified limit, but one case held that a city ordinance limiting qualified patients/primary caregivers to 99 plants does not violate the CUA.

Commercial Cannabis Operations in California

GENERAL RULES UNDER MAUCRSA

- As of January 1, 2018, a wide range of uses allowed with a state license.
- Allowed businesses include retail, manufacturing, distribution, cultivation testing, and “micro-businesses”.
- Taxes and Fees Imposed.
- Violators are subject to license revocation and civil penalties.
- Substantial local authority retained.

Commercial Marijuana Operations In Chula Vista

GENERAL RULE

Currently, the Chula Vista Municipal Code prohibits all types of commercial marijuana operations

Limited exceptions:

- Delivery into Chula Vista from a validly permitted operation outside of Chula Vista
- The administration of medical marijuana by a qualified caregiver to a qualified patient

Recent revisions expand prohibitions to “adult use” (recreational) operations and increase penalties for violators

CHALLENGES WITH LOCAL ENFORCEMENT

The Good the Bad and the Ugly

1. Illegal Operators Themselves

- a. No respect for the law
- b. Sophisticated law breakers
- c. Make lots of money
- d. Complicit landlords

CHALLENGES WITH LOCAL ENFORCEMENT

The Good the Bad and the Ugly

2. Limitations of Civil Enforcement Process

- a. City code requirements for notice and opportunity to cure
- b. Financial penalties high, but still small compared to operator profits
- c. Civil litigation process painfully slow and resource intensive
- d. Civil remedies often weak and/or difficult to enforce/implement

CHALLENGES WITH LOCAL ENFORCEMENT

The Good the Bad and the Ugly

3. Neither Federal nor State Law Enforcement is Currently Active in this Area
 - a. U.S. Attorney limited by the “Cole Memo” and Legislation Limiting Use of Federal Funds to “Interfere” with State Medical Marijuana Laws
 - b. District Attorney limited by gray areas in State marijuana laws, relaxed drug law penalties, and lack of resources.

CHALLENGES WITH LOCAL ENFORCEMENT

The Good the Bad and the Ugly

4. Limited Local Resources.

- a. Code enforcement against a defiant, sophisticated and well-funded opponent is incredibly labor intensive for Code Enforcement, Chula Vista Police and the City Attorney's Office
- b. City Attorney's Office Doesn't Have a Criminal Prosecution Unit.

What's Next?

1. Getting Better at Enforcement with Existing Resources

- a. Recent Successes with Civil Enforcement Suggest it Can Still be a Valuable Tool
- b. Continue to refine and implement “best practices”
- c. Possible Law Changes to Expand Culpability and Increase Penalties
- d. Continued discussions and advocacy with the District Attorney's Office and the U.S. Attorney's Office to get them more active.

2. Seek Additional Resources to Support a Local Criminal Prosecution Unit

3. Possible Law Changes

- a. City Council Initiated
- b. Citizen Initiated

MARIJUANA LAWS AND ENFORCEMENT

QUESTIONS?

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